

Subject Human Rights Act; past pay inquiries prohibited

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Summary

This bill adds a section to the Minnesota Human Rights Act to prohibit employers from asking for the pay history of an applicant who is applying for a job if the purpose of the request is to determine the wages or salary for that applicant. If the employer violates that prohibition and asks for that information, then there is a rebuttable presumption that the employer has committed an unfair discriminatory employment practice under the Minnesota Human Rights Act.

The prohibition does not apply if the person is a state or federal employee and their pay is a matter of public record, unless the employer sought the information to determine the applicant's wages, salary, benefits, or other compensation.

The prohibition does not prohibit an employee from sharing their wages or salary, nor does it prohibit an employer from using that information to determine wages and salary when it is shared with the employer voluntarily.

This section would be effective January 1, 2022, for employers and employment agencies, and effective in collective bargaining agreements implemented after that day.